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Agency Information

AGENCY : SSCIA  
RECORD NUMBER : 157-10014-10110

RECORD SERIES : MISCELLANEOUS RECORDS OF THE CHURCH COMMITTEE

AGENCY FILE NUMBER : 07-M-16

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Document Information

ORIGINATOR : SSCIA  
FROM :  
TO :

TITLE :

DATE : 05/09/1975  
PAGES : 62

SUBJECTS :

ELECTRONIC SURVEILLANCE  
SSCSGO  
KING, MARTIN LUTHER, JR.  
FBI

DOCUMENT TYPE : TRANSCRIPT  
CLASSIFICATION : Declassified  
RESTRICTIONS : 1B; 1C  
CURRENT STATUS : Redact  
DATE OF LAST REVIEW : 03/21/2000

OPENING CRITERIA :

COMMENTS :

Released under the John  
F. Kennedy  
Assassination Records  
Collection Act of 1992  
(44 USC 2107 Note).  
Case#:NW 54653 Date:  
10-23-2017

JFK ASSASSINATION SYSTEM  
IDENTIFICATION FORM

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ELECTRONIC SURVEILLANCE

FBI

DOCUMENT TYPE : TRANSCRIPT  
CLASSIFICATION : TOP SECRET  
RESTRICTIONS : REFERRED  
CURRENT STATUS : POSTPONED IN FULL  
DATE OF LAST REVIEW : 01/05/99  
OPENING CRITERIA :  
COMMENTS :

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The United States Senate

Report of Proceedings

INVENTORIED:  
MAR 15 1977

BY                     

Hearing held before

Senate Select Committee to Study Governmental  
Operations With Respect to Intelligence Activities

Friday, May 9, 1975

Washington, D. C.

(Stenotype Tape and Waste turned over  
to the Committee for destruction)

**WARD & PAUL**

410 FIRST STREET, S. E.  
WASHINGTON, D. C. 20003

(202) 544-6000

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## COMMITTEE BUSINESS

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Friday, May 9, 1975  
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United States Senate,  
Select Committee to Study Governmental  
Operations with Respect to  
Intelligence Activities,  
Washington, D. C.

The Committee met, pursuant to notice at 10:35 o'clock  
p.m., in Room 457, the Russell Office Building, Senator Frank  
Church (Chairman) presiding.

Present: Senators Church (presiding), Huddleston, Morgan,  
Hart of Colorado, Tower, Goldwater and Schweiker.

Also present: William Miller, Staff Director, F.A.O.  
Schwarz, III, Chief Counsel; Curtis R. Smothers, Minority  
Counsel; Charles Kirbow, Charles Lombard, and Patrick Shea,  
Professional Staff Members.

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Chairman Church. Ver well, the Committee will come to  
order.

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1 Chairman Church. The first item on the agenda today  
2 relates to the question of subpoenas.

3 First of all, I would like to call the Committee's  
4 attention to Rule 5 dealing with subpoenas.

5 "As much as for attendance of witnesses or the production  
6 of memoranda and documents, records or any other material may  
7 be issued by the Chairman or any other member designated by  
8 him after consultation with the Vice Chairman. It may be served  
9 by any person designated by the Chairman or member."

10 At the first meeting of this Committee our records show  
11 that we did discuss the subpoena question and I indicated then  
12 that any time that it became necessary to consider the use of  
13 subpoenas I would indicate generally to the Committee the field  
14 of inquiry for which the subpoenas might be required before  
15 issuing them, though the Rule gives me the authority to do so  
16 after consultation with the Ranging Member. Now we have  
17 reached that point where it may be necessary for subpoenas to  
18 be issued in connection with the following investigations that  
19 are now underway.

20 First off the Huston Plan where we will commence taking  
21 depositions requiring testimony under oath, detailed question-  
22 ing in this connection. I believe the plan is to start with  
23 Huston himself and others. It is very likely in order to get  
24 a full disclosure from these witnesses, some of whom may be  
25 hostile, subpoenas may be required.

1 Senator Tower. Do you plan first to ask them to come to  
2 testify under oath, then if they refuse only then subpoena  
3 them?

4 Chairman Church. That is correct.

5 Senator Tower. I think that is the best way.

6 Chairman Church. I do, too. We will not use subpoenas  
7 unless it becomes necessary, but I wanted the Committee to know  
8 that we are now at that point and if it becomes necessary I  
9 will issue subpoenas in connection with the Huston Plan.

10 In connection with the Post Office mail opening, here  
11 again we have a situation where some of the Post Office  
12 employees, I understand, may have violated criminal laws and  
13 may be subject to possible prosecution. For that reason, in  
14 order to get the facts concerning this case, it may be neces-  
15 sary to use subpoenas to bring them in and testify.

16 In the Martin Luther King case, we have a similar circum-  
17 stance. Would you care to --

18 Mr. Schwarz. Martin Luther Kind is an illustration of  
19 where a man who we have already interviewed, from whom we now  
20 need sworn testimony, has indicated that he would like to have  
21 a subpoena to bring him in. That is going to be another  
22 typical situation, people who are willing to come but would  
23 prefer to have a subpoena.

24 Senator Goldwater. Let me ask a question of the Martin  
25 Luther King incident.

1           What does that involve?

2           Mr. Schwarz. It was the subject of a good deal of ques-  
3           tioning of Mr. Katzenbach on Wednesday. It involves initially  
4           a tap on his phone, then a bug, allegedly, in certain hotels  
5           and residences in which he was staying. Then a bug at the  
6           Atlantic City Democratic Convention in 1964, which may involve  
7           problems of not only his conversations with people involved in  
8           that convention but private conversations.

9           And finally, Senator, it involves the dissemination of the  
10          material that was obtained, much of which dealt with his  
11          personal life. And the allegation has been made that it was  
12          shown to reporters and other people.

13          Those four areas.

14          Senator Goldwater. Could I say something off the record?

15          (Discussion off the record.)

16          Senator Morgan. I say this for the record.

17          First of all, let me say I agree with Senator Goldwater  
18          with regard to the use of any derogatory information. But  
19          from the testimony of Mr. Katzenbach earlier this week, I  
20          frankly was disturbed at the former Attorney General of the  
21          United States admitting that he heard reports that the tapes  
22          were possessed by the Federal Bureau of Investigation and were  
23          being made for members of the press, and that he made an  
24          inquiry as to whether or not they were being made available  
25          to the press but he did not pursue it to find out why the FBI

1 had these tapes or for what purpose or whether they did have  
2 them nor not. And so that we will not forget to pursue that  
3 matter further. I wanted to say this for the record: That  
4 I think it should be pursued. Martin Luther King was a  
5 controversial leader but there are a lot of controversial  
6 leaders in this country, and unless they had some reason to  
7 have these tapes, and I think that is the kind of thing that  
8 this Committee ought to be concerned about, and I wanted to  
9 pursue it with Mr. Katzenbach last week but I thought maybe we  
10 ought to go gently until we got all of the information we  
11 could and then come back to the more difficult parts.

12 Senator Tower. My view is I don't care to listen to a  
13 tape with derogatory information or material on Martin Luther  
14 King, on his personal life or anything else. If it involved  
15 some subversive activity or something like that it would be  
16 a different story, but I think what we need to establish is  
17 whether or not this was illegally done and why and by whom, and  
18 all this sort of thing. That is what we want, not the tapes.

19 Chairman Church. I am in agreement with what Senator  
20 Goldwater has said and what Senator Morgan has said. The idea  
21 is to find the illegalities of the procedure.

22 All right. With that in mind, then, I would like to  
23 proceed if necessary with subpoenas to get at the procedures  
24 where use in any case which is a matter of our interest.

25 The next case for which subpoenas may be necessary comes

1 by the intriguing name "Tommy Traveler." I would like our  
2 Counsel, Fritz Swarz, to tell us about that.

3 Mr. Swarz. This is an issue really under the agent  
4 provocateur question. Mr. Tommy Traveler, who has another  
5 name I don't know, was a student at a college in the Midwest  
6 who set up a lot of campus trouble in the late 1970's. It then  
7 devepped that he was in fact an informer for the FBI. This is  
8 something which is not down there and came to our attention.

9 Chairman Church. Just added to my agenda, I am sorry.

10 Mr. Swarz. He was involved, allegedly involved in campus  
11 activities. It has since been determined that he was connected  
12 with the FBI. There is a story of an initial denial, then an  
13 ultimate admission. He is somewhere in Pennsylvania now and  
14 is a person we know will not tak to us withou a subpoena,  
15 and the thought here would be, Senator Tower, this would be  
16 a little bit of the footnote on the point you made that we  
17 would have in hand a subpoena, go to him and ask him if he  
18 would talk with us, if he says no, as is the strong information,  
19 then someone would be able to give him a subpoena rather than  
20 having to take the money and take two trips to Pennsylvania  
21 and find him.

22 Senator Hart Of Colorado. Mr. Chairman, is the suggestion  
23 of the staff that that is an isolated phenomena or that Tommy  
24 the Traveler represents in effect a case study of a common  
25 practice?

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1 Chairman Church. We are endeavoring to find that out --  
2 a starting place with Tommy the Traveler. I believe that is  
3 the approach.

4 Senator Hart of Colorado. If it appears on preliminary  
5 investigations an isolated phenomena, is it the thought of the  
6 staff we should pursue it anyway?

7 Senator Schweiker. Let me say I don't know it is an  
8 isolated case. We have a case in Philadelphia where the FBI  
9 informant led the draft card raids and burned the draft cards.

10 Senator Hart of Colorado. Are we pursuing this fellow  
11 because he is an interesting fellow or represents a tendency  
12 or practice?

13 Mr. Miller. A generalization.

14 Chairman Church. That is what we are trying to see, how  
15 widespread this practice may be.

16 Senator Goldwater. We have a case out in Arizona where  
17 a professor at Arizona State was dismissed and now he charges  
18 that the FBI is responsible. I would like to get into that.

19 Senator Schweiker. I would like to have the Philadelphia  
20 case in there too. I would like to know who led the raid.

21 Chairman Church. I wish the Senators would often speak  
22 up this way so that the staff could move in the right direction.  
23 I think these are cases that should be investigated to determine  
24 how widespread this practice has become.

25 Senator Schweiker. It incidentally was Camden, across from

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1 the City of Philadelphia.

2 Chairman Church. Yes.

3 Senator Schweiker. The same thing.

4 Chairman Church. The final item on this agenda today of  
5 subpoenas has to do with an organization that was apparently  
6 set up by the FBI under the guise of being a subversive  
7 organization called "Red Flag". What its purposes were are  
8 not entirely clear, though apparently it was like fly paper,  
9 to attract possible subversives. It would be an exercise or  
10 possible exercise in entrapment. We don't know but the staff  
11 thinks it needs to be looked into more carefully. What is  
12 known is that the person who was engaged, allegedly engaged by  
13 the FBI to set up this device, now has a post office box in  
14 Texas. The staff has tracked down the post office box but in  
15 order to find out where the person himself lives it is  
16 necessary to serve a subpoena on the local post office and then  
17 we can secure that information.

18 So this is just a technical method of proceeding to find  
19 the person himself.

20 Senator Tower. Where is this in Texas?

21 Chairman Church. Stafford, Texas.

22 Mr. Schwarz. Our shot on this subpoena, perhaps we could  
23 get through the back door from the post office, but we ought  
24 to be very vigorous using proper procedures ourselves to avoid  
25 doing the things that some other have done.



1 Senator Tower. Let's don't us do something illegal.

2 Chairman Church. That is right. And you must also be  
3 mindful of that -- we always move within the proper procedures.

4 May I have a motion then. I don't need a motion really  
5 under the rules, I have advised the Committee. If there is no  
6 objection on the part of any member of the Committee we will  
7 proceed to issue subpoenas where necessary in connection with  
8 these investigations.

9 Senator Tower. Huston was before the Armed Services  
10 Committee last year in connection with the Huston Plan.

11 Chairman Church. I think we should report to the  
12 Committee that we did have a meeting with the Vice President  
13 and it was a very pleasant meeting and we were very skillfully  
14 finessed. The Vice President said that he understood why we  
15 would be interested in the raw material, the transcripts and  
16 other information. He concurred that it would expedite our  
17 procedures, he believed with us that the national interest would  
18 be served if we could stay on schedule. He would relay our  
19 request to the Commission, but that since the Commission was a  
20 creature of the President the request would then have to be  
21 relayed to the White House. So we are back on square one.

22 Senator Goldwater. I think he will let us have them.  
23 They are trying to get that report out by June 11th.

24 Senator Tower. June 6th.

25 Senator Goldwater. I think some of the things he has

1 should stay in his own until they are published, because I think  
2 it is an area we don't want to get into.

3 Chairman Church. What the Commission does with its  
4 information is up to the Commission, but the raw data should  
5 then be made available to us. It would greatly expedite our  
6 own inquiry.

7 All right, the second item on the agenda is a proposed  
8 resolution concerning information from the Internal Revenue  
9 Service.

10 Now, this resolution has been suggested to the Committee  
11 staff by the Internal Revenue Service. It is in order to  
12 expedite their compliance with our requests. There is a pro-  
13 vision in the law, one or two provisions in the law, that  
14 inhibit the Internal Revenue Service from furnishing some of  
15 the information that we have requested, and they believe that  
16 if this were waived for purposes of this inquiry, the Senate  
17 inquiry, it would then be helpful to them.

18 Senator Goldwater. What is the nature of the material?

19 Mr. Schwarz. We don't want tax returns, Senator. We are  
20 going to be looking into certain allegations of wiretapping by  
21 the Internal Revenue Service, break-ins by the Internal Revenue  
22 Service. I don't think in fact that that sort of stuff ought  
23 to be covered by a statute that says tax-related material, but  
24 it may be, and they have suggested that it would expedite their  
25 giving us the material if we get a resolution like this. It is

1 the same resolution in substance that the Watergate Committee  
2 and I think the House Judiciary Committee in the past, I know  
3 the Watergate Committee did, and it was suggested to us by the  
4 Commission we don't want to return.

5 Senator Goldwater. In our resolution which created this  
6 group, what if we wanted to get into the operation of the IRS  
7 harassment not against certain individuals but constant harass-  
8 ments. I know if you once get on the computer list you never  
9 get off that list, and I would like to know why.

10 Senator Tower. What Alexander suggested here is that he  
11 is willing to give us the information but he wants to have his  
12 skirts legally cleared by a Senate resolution.

13 Mr. Miller. Other Committee jurisdiction.

14 Senator Goldwater. Could you get into the matter. To  
15 me it is like wiretapping a lot, where they put you on the  
16 computer and I want to know why and why it is that once a man  
17 gets on that computer he never gets off, even though he is  
18 never found guilty of anything. It is harassment, harassment,  
19 harassment.

20 Chairman Church. I think that does come within our purview.  
21 What we are really concerned about in connection with all of  
22 this information is big brother Government developing in every  
23 quarter?

24 Senator Schweiker. Abuse of authority.

25 Chairman Church. And utilization of all kinds of

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1 surveillance techniques developing and institutional practices  
2 in this country.

3 Senator Goldwater. I am with you.

4 Chairman Church. All right. Now, I have two questions to  
5 ask about this resolution.

6 First of all, Bill, does this resolution have to go to  
7 another Committee in the Senate before it goes to the floor?

8 Mr. Miller. That would be the usual.

9 Senator Tower. Post Office and Civil Service?

10 Mr. Miller. If you cleared it with the Chairman you could  
11 go right to the floor with it.

12 Chairman Church. Is it Finance or Post Office and Civil  
13 Service?

14 Mr. Miller. Post Office.

15 Senator Tower. This is IRS. This is Finance.

16 Chairman Church Internal Revenue Service is Finance.

17 Mr. Miller. I think you have to check with both Chairmen.  
18 But go directly to the floor.

19 Senator Tower. What you could do is, I guess we don't  
20 have a jurisdiction to report it out of our Committee. I think  
21 you would have to introduce it, Frank; what you could do  
22 is have it called up for immediate consideration and let some-  
23 body object and have it go on the calendar.

24 Chairman Church. Yes, I think we should clear that with  
25 the two Committee Chairmen first. They might prefer to handle

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1 it that way.

2 All right, we will work that out, but I would like to have  
3 a motion by the Committee authorizing us, me, to proceed in  
4 this matter.

5 Senator Tower. I so move.

6 Senator Huddleston. I second it.

7 Chairman Church. Very well, without objection that is  
8 approved.

9 Item 3 on the agenda today is a discussion of the general  
10 pattern of staff work and Committee involvement between now  
11 and the commencement of full hearings.

12 I would like to hear from our staff but we are now at the  
13 point where the serious investigation begins. By that I mean  
14 we are going to be taking a lot of sworn testimony. We are  
15 going to begin to take an increasing number of depositions.

16 Under the Rules of the Committee, when sworn testimony  
17 is taken, depositions are taken, at least one Senator should  
18 be present to administer the oath, and I'm soliciting the  
19 cooperation of the Committee members so that this work can move  
20 smoothly along. In every case, let it be understood in every  
21 case, whenever a request is made, any member of the Committee can  
22 sit in on any one of these depositions, anyone that relates  
23 to a subject of particular interest to the member.

24 Furthermore, it would be preferable, whenever possible,  
25 to have a Majority member and a Minority member present, if

1 that can be arranged, but we will need a lot of involvement now  
2 by members as we move into this serious aspect of the investi-  
3 gation.

4 Senator Goldwater. Could I make a request? I know it is  
5 not entirely practical, but if we can have some idea of the  
6 dates that you want us it would be a great help to us. We  
7 are planning on August off. I can be here whenever you need  
8 me but I would like to know far enough in advance.

9 Senator Tower. I think we should set up a schedule and  
10 say one of us will be responsible for being here that particular  
11 day, anybody else can be there that wants to be. Let everybody  
12 know when his duty day is.

13 Chairman Church. Yes. Or we could publish the schedule  
14 and ask the staff to secure a member.

15 Senator Goldwater. Can you set up a schedule?

16 Mr. Miller. Yes sir.

17 Chairman Church. Yes, for these depositions.

18 Senator Goldwater. That is all we want. We can take our  
19 share. That is no problem.

20 Chairman Church. But it will be going everyday.

21 Senator Schweiker. Where will they be done?

22 Chairman Church. In different places. Some over in our  
23 own staff --

24 Mr. Miller. Being an orphan Committee we may have as many  
25 as four at the same time.

1 Chairman Church. I just think as a practical matter we  
2 will probably find that we will end up oftentimes with just one  
3 Senator present. We can't get the job done any other way.

4 All right. Now, what else do we have to say on this  
5 subject?

6 Mr. Schwarz. Just discuss it.

7 Chairman Church. Anything else?

8 Mr. Smothers. No; I think that will work find for us. I  
9 think it ought to be clear what we will try to do is fet as  
10 much information in that particular hearing. By and large  
11 the staff will do the questioning.

12 Chairman Church. I would like to bring up this time the  
13 Washington Post article because if there are any doubts about  
14 this story I would like to clear the air right now.

15 There was an article in the Washington Post yesterday,  
16 a good article except for one inaccuracy, a rather serious one,  
17 and I would like the advice of the Committee as to how we should  
18 handle it.

19 The part at issue reads as follows:

20 "One Administration official said, I hope I am not being  
21 paranoid, but he said the Committee staff claimed later that  
22 the apparent selectivity was unintentional. The staffers  
23 finally left after checking off the ones they wanted and  
24 informed later the White House as chagrined to note they had  
25 asked only for reports of operations that originated in either

1 the Eisenhower or Nixon Administration."

2 This simply is not so and the staff has prepared a  
3 memorandum which is in your folders which will show you the  
4 pattern of the inquiry had paid no heed whatever to partisan-  
5 ship in connection with this inquiry. And since we have tried  
6 very hard to avoid this, it is a bit disturbing that that  
7 issue is being raised at the White House when there is no  
8 substance to it.

9 Mr. Miller. I can elaborate a little bit on that. I  
10 understand that that story grew out of a Christian Science  
11 Monitor breakfast at the White House, or a Rod Sperling break-  
12 fast, which I think many Senators are familiar with. It was  
13 held at the White House, and almost all of that information,  
14 as far as we can determine, arose from that meeting.

15 But to elaborate a little bit more on this study question,  
16 I have gone over that list, Mr. Bader has gone over the list  
17 in great detail several times in order to be sure that we were  
18 not asking for anything that was not directly concerned with  
19 the mandate, and to be certain that the studies or reports or  
20 case evaluations affected all Administrations without any bias.  
21 It is an interesting collection, this 400 documents, and we  
22 have limited it to matters that seemed of direct concern and  
23 well within the authority of our mandate, and we have given  
24 to the White House and to the CIA at their request the studies  
25 in order of priority in order to assist them in the process of



1 looking them over where appropriate. Whatever initial friction  
2 there may have been on that I think have been resolved. I  
3 think the White House is satisfied now and I know the CIA is  
4 because they made those documents available on a basis that is  
5 satisfactory to us.

6 Senator Goldwater. Let me ask you, do you think that this  
7 statement is a statement coming from the White House or is it  
8 a statement coming from George Lardner?

9 Mr. Miller. That I can't be certain of. That I can't be  
10 sure of. The only thing in looking into the story, I do know  
11 that there was a breakfast and I do know that those matters  
12 were discussed in detail.

13 Mr. Schwarz. And we do know it was made to it first about  
14 two weeks ago and we said it wasn't true. It was made by the  
15 White House. We said it wasn't true. Mr. Kirbow just this  
16 week said to the White House it was not true.

17 Senator Goldwater. The White House made the charge?

18 Mr. Kirbow. Senator, one of the counsels to the President  
19 showed me a copy of an internal memo where he was trying to make  
20 that case in the memorandum. He went over it with me and  
21 showed me paragraphs. I then looked at it in great detail  
22 against our request and indicated to him at the time he could  
23 not make such a case with me and I had been very concerned  
24 about this matter at the outset of our document request, as  
25 the Staff Director knows, and had screened them personally

1 to be sure that we were not pointing the gun, so to speak, at  
2 any given segment of our Administrations. He indicated nothing  
3 at all further as to what he intended to do with the memorandum  
4 but it was the next day that this came out.

5 Senator Goldwater. Have you talked to Lardner and asked  
6 him his source?

7 Senator Tower. He is not going to give his source.

8 Chairman Church. He won't give it.

9 Senator Goldwater. If we stick by our rules we are going  
10 to be subject to this day after day. If it is going to be a  
11 White House source, we can stop that. If it is going to be a  
12 newspaper, I think we may be able to do something about that.

13 Chairman Church. Let me say this about George Lardner.  
14 He has interviewed me several times and based upon the stories  
15 he has written they have always been accurate, and so I have  
16 no personal reasons to suspect that --

17 Senator Goldwater. Do you mind if I look into this?

18 Chairman Church. Not at all.

19 Senator Tower. Let me suggest this. Let's go back to  
20 the White House and say you know this isn't true, why don't you  
21 clarify it, and then if they don't, we do.

22 Senator Schweiker. I think that is a good idea.

23 Chairman Church. I think it is, too.

24 Senator Hart of Colorado. I think that the following  
25 statement, if they do not clarify it, a statement from the

1 ranking Minority member would be in order.

2 Senator Goldwater. That is why I would like to get this  
3 thing cleared. We are going to be subjected to a lot of this.

4 Senator Tower. I am reasonably sure a member of the  
5 White House staff said that to Lardner. I am not positive  
6 because I know the newspaper would like to promote a big fight  
7 between us and the White House. I think we ought to get the  
8 White House.

9 Chairman Church. We have been trying very hard not to  
10 pick a fight and we are not going to pick a fight unless we  
11 have to; but it may be that at the press conference following  
12 this meeting the question could come up. If it does come up,  
13 I will say, and John Tower has been with me at these press  
14 conferences -- it would be helpful if he would say we have  
15 looked at the record of the general requests and there has been  
16 no partisanship and no basis for such a charge. But it would  
17 be helpful that if that subject doesn't come up if we could get  
18 the White House to --

19 Senator Tower. As soon as this meeting is over I will get  
20 on the phone.

21 Chairman Church. All right. All right, now, Bill Miller  
22 has asked me to announce in order to accommodate Senators on  
23 the Committee who need to be planning for vacation time, that  
24 we should set aside, I suggest this to the Committee, the last  
25 two weeks in August for a vacation period.

1 Senator Tower. Good.

2 Chairman Church. Then we can all plan on that and that  
3 would take us over the Labor Day period. All right?

4 Is that satisfactory?

5 Senator Schweiker. Let me ask one other question, Mr.  
6 Chairman. Do we now envision the holding of public hearings  
7 for the first two weeks of August, because I think if we are  
8 not in the public hearing stage we all have a little more  
9 flexibility in terms of things.

10 Chairman Church. I would anticipate since we will be  
11 getting into the public hearings in not later than July that  
12 we probably will have some public hearings in the forepart  
13 of August, and what we have tried to do here is compromise  
14 the recess issue by setting aside the last two weeks for that  
15 purpose. I would anticipate there would be some public hear-  
16 ings in the early part of August.

17 Senator Schweiker. I make this request, and I appreciate  
18 what you are trying to do here. If we have an option as to  
19 time, as time gets near, as to closed or open hearings, if  
20 it doesn't impede the work of the Committee we try to increase  
21 this period of closed hearings, if it doesn't impede or hurt.

22 Chairman Church. We will do the best we can with that  
23 without making any commitment.

24 Now, Senator Hart would like to raise a question concern-  
25 ing his discussion he had with the Attorney General. It would

1 be appropriate at this time to do that, so you have the floor.

2 Senator Hart of Colorado. Well, I think at one of our  
3 recent meetings, maybe the meeting before last, I suggested that  
4 those of you who wished, should authorize the Chairman to request  
5 of all intelligence agencies our own personal files.  
6 It was met with mixed reaction. At the staff's suggestion  
7 I pursued it independently, and not independently but personally  
8 with the Asistant to the Attorney General earlier this week, and  
9 essentially he said in my capacity as a member of the Committee  
10 I would like to see my own FBI file.

11 Well, thereupon ensued a kind of long rambling discussion  
12 about the dangers of disclosing vital information and yet the  
13 competing interests of a democratic society, and it was one of  
14 these philosophical things and I kept trying to get him back  
15 to the point that all I wanted to do was see my file -- on the  
16 theory that one of our tasks is to find out how agencies of this  
17 sort compose files on individuals. In my case I know they have  
18 one because I used to work for the Department of Internal  
19 Security area and had a security clearance. I suggested it was  
20 a lot more appropriate for me in this capacity to see my own  
21 file than to see somebody else's, quite obviously.

22 Well the struggle was he wanted to convert this into a  
23 request, a rather routine request under the Freedom of Information  
24 Act, which would have had the following consequences:

25 One, it would have put me way down the list of literally

1 hundreds if not thousands of requests under the Act.

2 Two, he stated quite frankly, as he did in his speech in  
3 New York at the end of April, these requests, because they are  
4 so numerous, are now automatically exceeding the time limit under  
5 the legislation, which is the 20 days. If you are not satisfied  
6 in 20 days you have the right of appeal to the Attorney General  
7 at the courts.

8 I said I didn't want to get into that, all I wanted to do  
9 was to see my file. He said, surely I didn't want to move myself  
10 to the top of the list because I was a member of Congress?  
11 Again I kept reiterating that wasn't the issue at all.  
12 Essentially the way I left it was I would send him a letter over  
13 my signature, over the Chairman's formalizing the request in the  
14 capacity as a member of this Committee and he wanted me to agree  
15 with him that my presence there in his office was a request  
16 under the Freedom of Information Act which would have begun to  
17 run the time under the legislation under the Act, and I wouldn't  
18 agree to that.

19 So thqa is essentially where that is. And the only reason  
20 I bring it up is to let other Committee members know what I am  
21 doing and, two, it fits into the pattern of what we have  
22 experienced with other agencies of delay and resistance and so  
23 on.

24 So that is where that thing stands, but I am going to go  
25 ahead and send the letter. We will send it out the first of

1 the first of the week.

2 Senator Morgan. If you send the letter under the Freedom  
3 of Information Act, have you set a precedent for the rest of  
4 us?

5 Senator Hart of Colorado. No, I am not going to do that.  
6 I am going to do the opposite, on the advice of counsel, if it  
7 is forthcoming. My inclination is to specifically state in it  
8 that it is not a request under the Freedom of Information Act  
9 but is a request to be considered as part of the continuing work  
10 of this Committee, and so on and so forth. But again I don't  
11 want to get cross-wise with my colleagues here, and if any of  
12 you think I am doing something I shouldn't I would like to know  
13 about it. I don't want to provide a barrier roadblock for the  
14 work of the Committee.

15 Chairman Church. Any discussion?

16 Senator Morgan. What I would like to see done is maybe  
17 Mr. Schwarz could go down either alone or with some Committee  
18 members as would like to go and say here we are, do you have a  
19 file and show it to us. The difficulty is I don't trust them.  
20 What is going to be in the file when you give them all this  
21 advanced notice?

22 Senator Hart of Colorado. They can delay you. If that is  
23 your worry, they can delay you while you sit there.

24 Senator Morgan. They can? I think someday or other we  
25 have to decide who can run the show.

1 Senator Tower. Meantime the secretary is back there pluck-  
2 ing your file.

3 Senator Huddleston. The only suggestion I have would be  
4 I don't know why Gary should be hanging out there by himself.  
5 We should determine the proper course and I would like to see  
6 mine, too. I would like to incorporate in a letter all of us  
7 who would like to see them and indicate to him this is part of  
8 our investigation.

9 Senator Hart of Colorado. I didn't want to drag others in  
10 that didn't want to be involved. Some suggested they didn't  
11 want to see their files.

12 One other thing I think is worth noting here. He kept  
13 referring back to the Act. Under the Act I have the authority  
14 to remove any information with regard to potential criminal  
15 investigation of you and expunge information coming from  
16 informants, to use a very serious term, whose own right of  
17 privacy would be violated by disclosing that information to you.  
18 I didn't know that informants had a right of privacy, but that  
19 is the Attorney General's opinion at this point. So what he  
20 can do here, Bob, is go through there and every time your  
21 neighbors, when they went back and did the security clearnce,  
22 said I knew him when he was in the 7th grade and he seemed to be  
23 patriotic at that time, he can go through and cut that out to  
24 protect your neighbor's right of privacy, which means you are  
25 going to get a big piece of swiss cheese for a file -- on the



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25

1 ground that you have to protect the right of privacy of every  
2 informant. And, by the way, that has been the implication, it  
3 seems to me, for all the rest of what we are doing. If that is  
4 the opinion of that agency, whether it carries over to other  
5 agencies as well, we are not going to see a thing, because all  
6 files are based pretty much on informants, I guess, unless an  
7 agent happens to observe you doing something you shouldn't, and  
8 they feel they have the right to cut all that stuff out to  
9 protect the right of privacy of informants.

10 Senator Huddleston. That phrase might be used in a poten-  
11 tial criminal investigation, too.

12 Senator Hart of Colorado. Yes sir.

13 Chairman Church. The real issue, as I perceive it, is  
14 whether this Committee operating under its authority pursuant  
15 to the resolution is entitled to examine such files beginning  
16 with files that may be kept on members of the Committee itself  
17 outside of the purview of the Freedom of Information Act.  
18 Those precedures under the Act do permit certain material being  
19 expunged and the question is whether that Act is going to  
20 control access by this Committee to such files. I suppose  
21 without undertaking to request files on individual members who  
22 do not iwsh them it would be entirely appropriate for me to  
23 write such a letter to the Attorney General, including within  
24 it specific requests covering those members who do wish to see  
25 their own file. Then we place the issue on his desk.

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1 Senator Tower. I have no objection to that. I don't care  
2 to see mine.

3 Senator Goldwater. When I first came here you could go  
4 down and they would take a thumb print and within two minutes  
5 you had your whole file in front of you. They have changed  
6 things. That demonstrated how good they were. That file is  
7 that thick now.

8 Senator Huddleston. I may not even have one. It seems  
9 to me you are right, we ought to first of all establish we have  
10 that authority and right, and in satisfying that right we make  
11 good by looking at our own files instead of looking at somebody  
12 else's. That seems to me to be a very simple approach.

13 Senator Morgan. I think you ought to make it clear, Mr.  
14 Chairman, you are not requesting under the Freedom of Information  
15 Act and warn them that no matters or records should be expunged  
16 or deleted from the record. I agree with "Dee". I think we  
17 ought to take a look at some and it is far better we look at  
18 our own than look at some other person in the Congress.

19 Chairman Church. We must be careful in composing the  
20 letter not to suggest that we are limiting our right for access  
21 to other files simply because we are asking for the files of  
22 members.

23 Senator Morgan. I think the Committee should be doing what  
24 you or someone else suggested earlier, composing a list of about  
25 500 people in and out of Government that we would just like  
to carry down and say do you have files on these people?

1 If so, make them available. And we can't check 10,000 people,  
2 we can't say give us a list of these people. I could sit down  
3 in a few days and come up with people that I would suspect they  
4 had files on.

5 Senator Goldwater. Or should have.

6 Senator Huddleston. I think the crux of the thing is why  
7 they have them and how they got them.

8 Senator Hart of Colorado. Mr. Chairman, I think the real  
9 legal loggerhead that we are headed for here is this issue of  
10 the so-called right of privacy of an informant. If he is  
11 serious about that, that has devastating consequences for the  
12 work of this Committee.

13 Mr. Schwarz. It is the same problem as we are running  
14 into in a number of areas, and the premise in every case is the  
15 fact that the Committee gets a document means that it is going  
16 to be on the street the next day. Now, the rules are very clear  
17 it is not going to be, and once this Administration believes  
18 this Committee's rules, then they don't have that excuse. That  
19 is really the issue.

20 Senator Hart of Colorado. I think he is going beyond that.  
21 He is saying, one, a Senator or set of Senators, even acting in  
22 this capacity, has no right to see what an informant says about  
23 them or anybody else. I think he is saying delivering it to  
24 this Committee is violating that informant's right, not that  
25 it might get out on the street.

1 Senator Goldwater. There are problems that have come  
2 under the new Secret Act or Public Disclosure Act IRS is running  
3 into. It was on my desk last night. He is evidently getting  
4 ready to ask for changes in legislation so IRS will have a little  
5 more leeway. I suggest you get a copy of that letter. Each  
6 Senator got one.

7 Chairman Church. You see, there is always a reverse twist  
8 in the best intended efforts and it may be that with the passage  
9 of the Freedom of Information Act, we have furnished the  
10 Executive Departments with a legal basis for expunging informa-  
11 tion and withholding information they may not have had before,  
12 and thus the Freedom of Information Act becomes a shield when  
13 it was intended to be a sieve.

14 Senator Hart of Colorado. In which case we may have to  
15 amend our own authorizing resolution to point out our authority  
16 goes beyond that Act.

17 Chairman Church. Well, let's proceed then with such a  
18 letter and see where it leads.

19 I think that it might be well in this case if John Tower  
20 joined with me in signing the letter.

21 Senator Tower. I will join with you in signing it, but I  
22 don't want my file.

23 Chairman Church. All right. And one other thing. Will  
24 you please advise all members of the Committee what we have  
25 decided to do so that every member who does want his file may

1 have an opporutnity to be included?

2 Mr. Schwarz. Yes sir, we will circulate the draft letter.

3 Chairman Church. Yes, I think that might be advisable.

4 All right, now I want to go down to Item Number 5 and  
5 then reserve Item Number 4 for the last of this meeting.

6 Item 5 has to do with the statuse of outstanding document  
7 requests and status of procedures.

8 First of all, do we have any further requests to approve  
9 today for information?

10 Mr. Schwarz. None today.

11 Chairman Church. What is the status of our outstanding  
12 requests?

13 Mr. Schwarz. I think that can be very quick. The White  
14 House itself has delivered the documents we have asked for with  
15 two exceptions, but Bill and I have seen those. That doesn't  
16 mean there are no White House problems but the White House  
17 itself has delivered the documents.

18 The CIA is doing much better but they are blacking out  
19 significant portions of documents and whole areas of other  
20 documents, perhaps the most important of which relates to this  
21 assassination topic which comes later on the agenda.

22 The FBI is being awfully slow and we are in negotiations  
23 with them right now to try and speed that up. If we don't  
24 succeed I think we may be coming back to the Committee next  
25 week for some kind of request for action from the Committee.

1           The interview procedure matter is meant to refer to the  
2 so-called monitors which you were all informed about ten days  
3 ago. The Administration initially suggested that they have the  
4 right to have a monitor present at every interview we have of  
5 a current or former Administration employee. We have told them  
6 that we do not agree to that, that to have a monitor present  
7 is inconsistent with an investigation, particularly in the areas  
8 of the alleged abuses, and would impede the freedom with which  
9 someone would talk, and would also have a very bad appearance.  
10 It is the same kind of problem as occurred in John Dean being  
11 present at all of the interviews taken in the first instance  
12 in the Watergate inquiry. As a matter of appearances it is bad  
13 and as a matter of substance it is bad. We have been very  
14 adamant on it.

15           I think it would be helpful to have some views from the  
16 Committee on that.

17           Chairman Church. You understand exactly what is involved  
18 here?

19           Senator Morgan. I think it is inconceivable that we would  
20 interview an employee or former employee with his former  
21 supervisor sitting there watching everything. I would object  
22 to that procedure.

23           Senator Tower. Obviously we can't do that.

24           Chairman Church. I don't think we can either.

25           Senator Schweiker. We would be the laughing stock of the

1 Hill.

2 Chairman Church. Phil Hart has indicated a similar view,  
3 though he couldn't be present this morning. I think that it  
4 might assist in further negotiation on this question if the  
5 Committee were to formally resolve --

6 Senator Tower. Mr. Chairman, I move that we not accept  
7 the suggestion that a monitor be present with each witness.

8 Senator Hart of Colorado. Second.

9 Chairman Church. And we notify the agencies to this  
10 effect?

11 Senator Hart of Colorado. Strongly.

12 Senator Goldwater. Where did this come from?

13 Mr. Schwarz. From everybody. CIA put it forward first.  
14 They said they were acting for the whole community. And indeed  
15 the White House mentioned it first.

16 Senator Schweiker. There is a story going around the media  
17 to the effect that there is some internal memorandum that the  
18 White House has saying they don't have to give any of these  
19 documents up and may well decide not to do it on the real big  
20 ones. I am wondering if that is gossip or is there any basis  
21 for that and part of this monitor position that they are taking?  
22 I am just raising it, it is scuttle butt. I have had media  
23 ask me about it, do you know anything about that, that they have  
24 an internal document coming up that pretty well says that they  
25 feel on their rights they are going to refuse certain key

1 documents.

2 Mr. Miller. We have not seen anything to that effect.

3 Senator Huddleston. That is a typical tactic of the media.  
4 Let me point out, as I have tried to point out a few times, this  
5 is an approach they like to make to get some kind of information.  
6 If you had responded that you didn't know but we will get our  
7 documents they had a story right there.

8 Senator Tower. They have already asked us questions --  
9 have they indicated they are going to invoke Executive Privilege  
10 on something, or when they do invoke Executive Privilege what  
11 are you going to do about that kind of thing?

12 Senator Huddleston. A good investigative reporter will  
13 use that kind of tactic, frankly.

14 Chairman Church. Let me say a word on that, and I have  
15 said this each time the press has raised the question. So far  
16 no Executive agency has refused to turn over documents that we  
17 requested. Until we have reached that point, unless we reach  
18 that point, we are not at issue on that question. It is possi-  
19 ble that certain parts of certain documents that we are request-  
20 ing will turn out to be very sensitive and some parts may not  
21 be related to our inquiry.

22 John, I think you might mention to the Committee what you  
23 mentioned to me today that relates to this question. I would  
24 like to have the Committee's approval. If the Executive, if  
25 the White House or one of these agencies feels that a part of



1 a given document we have requested is of a highly sensitive  
2 nature and does not relate to our investigation, they would  
3 like to show that particular part to Senator Tower and me so  
4 that we might determine whether or not it relates to the work  
5 of this Committee, and if in our judgment it does not, we would  
6 come to the Committee and say so, in which case that part could  
7 be deleted from the document that is turned over. That is  
8 my understanding.

9 Senator Tower. Yes.

10 Chairman Church. Of the question that was raised.

11 Senator Tower. Yes sir.

12 Chairman Church. What that entails is that someone on this  
13 Committee in such a circumstance has to make a judgment, and  
14 my view is that we would make that judgment on the basis of  
15 whether or not the particular item of information relates to  
16 the inquiry and, therefore, comes within our purview and not  
17 to be made available to the Committee or it does not. And If  
18 we find it highly sensitive and outside the scope of our inves-  
19 tigation, then we would tell you and you would have to accept  
20 our judgment.

21 I don't know of any other way of handling that kind of a  
22 case.

23 Senator Goldwater. I think it is very wise to do that.

24 Chairman Church. Any discussion? All right with you?

25 Senator Huddleston. Yes.

1 Senator Schweiker. Yes.

2 Senator Tower. This is a procedure that has been followed  
3 in other committees in regard to sensitive material. You and  
4 Stu Symington have gone and read some stuff once?

5 Senator Goldwater. Yes; and we are reading some more. It  
6 is done on the Armed Services Committee quite often, where they  
7 take one Republican and one Democrat and we will reach our own  
8 conclusions, and usually the conclusion that the Committee will  
9 accept.

10 Chairman Church. I would like to proceed that way with  
11 the understanding that without revealing the details we would  
12 explain in each case to the Committee why we concluded that it  
13 was not within the scope of the investigation so that the  
14 Committee would be satisfied.

15 Senator Schweiker. Do I further understand, I think I do,  
16 that if the two of you would not be able to agree, that would  
17 not apply. If one of you dissented, if one read it one way and  
18 another another way?

19 Chairman Church. We would bring it back.

20 Senator Tower. Bring it back to the Committee and let the  
21 Committee decide.

22 Senator Hart of Colorado. What would be your collective  
23 inclination on matter in a gray area? Which way would you both  
24 tend to resolve it, or am I getting too hair splitting?

25 Chairman Church. I think that is very hypothetical. I

1 think until we see what it is we are in no position to make the  
2 judgment.

3 Senator Tower. My only personal inclination would be if we  
4 were in a gray area and weren't sure, we would go ahead and  
5 bring it to the Committee. We would not agree to expunge it.

6 Chairman Church. That would be my disposition, too.

7 Senator Tower. It would have to be beyond really a  
8 reasonable doubt. Again I can't go any further than Frank.

9 Senator Hart of Colorado. I understand.

10 Senator Schweiker. Under that procedure you would see it  
11 all yourself, it wouldn't be somebody sanitizing something  
12 that you look at?

13 Chairman Church. No; we would see it.

14 Senator Tower. See it unsanitized.

15 Chairman Church. We can't make a judgment on any other  
16 basis.

17 All right, we have not formall acted on Senator Tower's  
18 suggestion with respect to a rejection on the part of the  
19 Committee to the monitoring that they have asked for, and so  
20 without objection, the Committee agrees that that proposition  
21 is rejected. We will so inform the agencies. And Senator  
22 Mondale gave me a proxy, so I would take it to be the unanimous  
23 view of the Committee.

24 Senator Hart of Colorado. Mathias?

25 Chairman Church. Senator Mathias I am sure would concur.

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1 Senator Tower. I will exercise a proxy.

2 Chairman Church. And I intend to inform the press of that  
3 action.

4 Now, I would like to ask all the members of the staff if  
5 they would please excuse themselves.

6 Senator Tower. Do you want to take the nominations?

7 Senator Goldwater. I move they be accepted en bloc.

8 Chairman Church. All those in favor of the motion say aye.

9 (Chorus of ayes)

10 Those opposed?

11 (No response)

12 Chairman Church. Very well.

13 I will ask members of the staff please to leave except  
14 our Counsel and Staff Director.

15 First of all, let me say how much I appreciate the  
16 reputation that this Committee is getting for conducting a  
17 responsible and secure investigation. We have tried every way  
18 so far and the cooperation of the Committee has been just  
19 superlative.

20 The issue of assassination is with us and I think the time  
21 has come for us to discuss how we will proceed with it.

22 First, let me say that indications are that the  
23 Rockefeller Commission has looked into this very seriously.

24 Also I assume, though I have not been told, the Vice  
25 President came very close to telling us, I think at our

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1 conference with him -- I assume that the report of the  
2 Rockefeller Commission will deal with this assassination  
3 question, and it is important that we know all that we can know  
4 beginning with the investigation that I will propose. First,  
5 so that we can be adequately informed and in a timely way.

6 Second, so that we can then decide how this Committee  
7 proposes to deal with the question and what public disclosures  
8 we may feel to be necessary.

9 The first time I raised the question directly with Mr.  
10 Colby was at the breakfast meeting preceeding our meeting with  
11 the CIA out at their Headquarters in Langley. Senator Tower  
12 was there and I raised the question prior to his coming, to  
13 his arrival at the breakfast. I then asked Mr. Colby to repeat  
14 to Senator Tower what he had told me, and this is what he said  
15 to us.

16 He said that there had been CIA involvement in several  
17 attempts against the life of Castro, that these attempts took  
18 place between 1960 and 1965, that obviously the attempts  
19 had failed, that Castro was aware of the attempts because at  
20 least in one case an agent of the CIA was captured, interrogated  
21 and Colby had no reason to believe that Castro was not fully  
22 informed by now.

23 Senator Morgan. He said so on the Today Show.

24 Chairman Church. He said so on the Today Show.

25 The matter has surfaced in the press. As you know, there

1 is increasing comment on it. And there is little question but  
2 what more details will come to light one way or the other in  
3 the weeks ahead.

4 Colby said there was one other involvement. We did not  
5 question him closely, we just asked him to tell us what he knew  
6 about this question of political assassinations.

7 The other involvement had to do with Trujillo in the  
8 Dominican Republic. The involvement here was a little different.  
9 A group of insurgents, dissidents, whatever you might want to  
10 call them, who were very much opposed to Trujillo, were  
11 furnished weapons by the CIA. That group was the one that  
12 assassinated Trujillo. It happened that the weapon that was  
13 used in the actual assassination was not one that was furnished  
14 by the CIA, though at least one, perhaps more of the weapons  
15 that were furnished were in the car of the assassins, and  
16 Colby said that this was an involvement that would at least in  
17 the eyes of the law, in his judgment, involve the CIA in a  
18 conspiracy.

19 He said there had been no involvement in the case of  
20 Lumumba and he did not volunteer any further information of  
21 involvement. We did not question him about the Diem or any  
22 other possibility.

23 I noticed that there was something in the press yesterday  
24 about Malagasa, an article having to do with Tad Zulo.

25 So the question is before us and it has these further

1 ramifications that I can see at the moment.

2 There is a growing and perhaps ill founded suspicion, but  
3 nevertheless it is a persuasive one on the campuses, that the  
4 CIA has not come clean or CIA might have in some way been  
5 involved in the assassination of President Kennedy. I find  
6 that utterly unvelievable but, nevertheless, you know that the  
7 suspicion is widespread. And I find it unbelievable and because  
8 I can't comprehend CIA would be involved in such a thing.  
9 However, there are some unanswered questions concerning whether  
10 the CIA made a clean breast of everything it disclosed to the  
11 Warren Commission and whether the Warren Commission pursued the  
12 matter sufficiently.

13 One of these questions relates to the fact that Oswald  
14 did visit the Soviet Embassy in Mexico City prior to the  
15 assassination, and there is some confusion as to how fully this  
16 was disclosed to the Warren Commission.

17 Senator Tower. The other side of this coin that there is  
18 suggestion the CIA was involved in the assassination and there  
19 is right wing suspicion, it was a Communist conspiracy.

20 Chairman Church. Yes sir, both suspicions.

21 I assume agin from the apprearances and from all other  
22 reports that I have read in the papers concerning the investi-  
23 gation of the Rockefeller Commission that they are looking into  
24 this alleged connection with reference to the Kenndy assassina-  
25 tion. They have even gone so far as to interrogate the doctors

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1 who were present and who did the medical examination of the  
2 President's skull and made reports that the Warren Commission  
3 considered. So we have it on our hands.

4 Senator Goldwater. Can I give you my views on this?  
5 I think we are getting into the field of danger I felt we would  
6 get into.

7 I know there is pressure to reopen the Kenndy thing. I  
8 can't believe that the Warren Commission didn't make an honest  
9 report, but that is not what bothers me so much. If we get  
10 into the assassination field we are looking at attempts on  
11 Castro's life or others. I think this is a field of activity  
12 that we should stay out of as far as the CIA is concerned or  
13 any other body. It is a part of intelligence that we just have  
14 to learn to live with and don't like.

15 I could tell you, I can't divulge names, the chances are  
16 we nver would have lost Purtugal had this big blow-up of the  
17 intelligence community in our country not bubbled up in the  
18 press media. Whether this involved assassination I don't know  
19 but I have real reason to believe Portugal would still be with  
20 us had we not literally destroyed our ability to operate in  
21 these foreign countries.

22 I can gell you that it is virtually impossible now for the  
23 CIA or DIA or any agency to get eyeball contacts in any foreign  
24 countries. We were never too good at it. We were beginning to  
25 grow. We were beginning to build a respectable intelligence



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1 community, but what has taken place so far has destroyed that,  
2 and I would be very strongly opposed to our getting into any  
3 of those type of operations, even including the Kennedy. I  
4 think it is better those things remain closed. It is better,  
5 too, that we not destroy a weapon, whether we like it or not.  
6 It is used against us and will be used against us. It has been  
7 used throughout history, not necessary assassinations, but  
8 destruction of character, destruct-on of property. I don't  
9 want to see us become the only country in the world that is  
10 devoid of any ability to operate. I would steer clear of that  
11 kind of clandestine type operation. I really mean that.

12 If you want to get into the Kennedy thing that is another  
13 thing. I personally would oppose that because I think this is  
14 a closed book and should stay that way.

15 Chairman Church. I understand your feelings and I don't  
16 relish the inquiry into this field but I believe that it is  
17 unavoidable.

18 First of all, I will be very much surprised if the  
19 Rockefeller Commission does not say in its report that these  
20 assassination attempts have been made. It will strongly condemn  
21 them because certainly we can not license murder in time of  
22 peace and will quite likely propose some changes in the law to  
23 make it a punishable offense. I just surmise that. But I think  
24 all of that is at least probable and we then are in a position  
25 where if we do not turn our attention to this question and reach

our own conclusion respecting it, this investigation will look silly to the public.

When I say that I understand all of the reasons that lie behind your misgivings.

Senator Goldwater. I am trying to get this within the tenet of the resolution and I think we are safe when we say we are not going to get into the external things. Internal that applies to America is another horse. You can make these things illegal but in the interest of our country I can assure you they are going to go on.

We have this problem on the Armed Services Committee and I am on that watchdog committee and frankly, we don't want to know some of the things that go on. That is what I am afraid of that we are doing. Once we get outside of the basic charge of this Committee, which is to look into the espionage and other practices performed on our own citizens, then I think we can well destroy what little we have left in the field of intelligence and at the same time our enemies are stronger and stronger in the field. That is my personal feeling.

I would make one suggestion that we not decide this day; that we wait and see what the Rockefeller Commission does come up with. If they come up with it I think we are stuck.

Chairman Church. My proposal is this: There is every indication that the Rockefeller Commission has gone into this question and they are going to say something about it.

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That brings me to the last exchange we had with Mr. Colby which you should know, and if you can think of anything else, John, I haven't related, please relate it.

Colby said that he knew that this would have to come to light in some way, that he was hopeful that when it did, the Administration was hopeful when it did, it was done in a way that did not personalize or particularize a particular incident and that the findings could be made that such attempts had taken place and that this had not happened in the recent past, it was not going on now, it was policy that was contrary to it, and then such recommendations as to the future that the Committee might want to make.

So he anticipates that the disclosure will come in an official way. He is concerned mainly about the manner of disclosure.

That makes me think unquestionably he is aware of what the Rockefeller Commission is planning to do and anticipates this Committee will have to do something as well. If at the time the Rockefeller Commission makes its report this Committee doesn't know anything about the subject and we have to say we don't know anything about the subject, it seems to me we are putting ourselves in a very awkward position.

How we deal with the subject is a different question. We will have to decide that ourselves. But Colby from all appearances is read to tell us all that he knows, and I think

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1 we should get from him his statement and then decide what other  
2 evidence we need to fill out the picture and then, of course,  
3 decide how we are going to deal with it. We can't make the  
4 decision of how to deal with it until we know what it is we  
5 are dealing with.

6 Senator Goldwater. I just want to get myself on record.  
7 I am not going to stand in your way. This is something that  
8 you and I probably have been exposed to more than most other  
9 people in our lives, and you maybe get too close to it, you  
10 live with these people, and you get damn healthy respect for  
11 what you have to do and what we have to depend upon.

12 I am going to have to go. I wanted to express my opinion,  
13 and I will call the editor of the paper and get this cleared up.  
14 I am not that close to him.

15 Senator Huddleston. On the case of Castro, was it our  
16 agents who were actually attempting to commit the act?

17 Chairman Church. We don't have the particulars but I judge  
18 from what Colby said, yes, that there were many discussions but  
19 there were in addition to discussions, attempts. He mentioned  
20 some of the ridiculous proposals that were made including --  
21 discussion of a submarine that was going to put an explosive  
22 in a seashell and blow him up while he was swimming, and he  
23 said that to illustrate some of the bizarre proposals that were  
24 made. But in addition to those proposals there were attempts,  
25 at least several, he didn't specify the actual number.

1 Senator Huddleston. Actual attempts?

2 Chairman Church. Yes. My own view is quite different  
3 from Barry's though I appreciate the reasons for his concern.  
4 I just don't think that the United States can sanction political  
5 assassination in times of peace and that there is nothing that  
6 can be accomplished by this that possibly benefits this country  
7 as compared to the damage it has done to us all over the world,  
8 and one of the reasons we are in our present difficulty in my  
9 judgment in the world is because of the widespread belief that  
10 this has been an instrument of American policy, that the CIA  
11 has been the organ by which we have not only attempted to  
12 intrude in little countries in their own affairs, in every  
13 possible way, by which we have gone even to the point of  
14 assassination of foreign leaders.

15 I think for the sake of the country it has got to be  
16 stopped and this Committee has got to have a role in stopping  
17 it.

18 Senator Hart of Colorado. Could I pursue "Dee's" ques-  
19 tions?

20 Did he go into enough detail to let us know whether these  
21 people that we landed down there were Cubans, were they  
22 Americans, what was their relationship?

23 Chairman Church. He did not go into that. We didn't have  
24 time enough to go into that detail. But I was left with the  
25 clear impression that they were agents -- by agents, usually the

1 CIA means foreign nationals who are --

2 Senator Tower. Foreign nationals?

3 Chairman Church. Engaged by CIA to perform a given mission  
4 and equipped, transported by the CIA for the accomplishment of  
5 that mission.

6 Senator Schweiker. Along the same line, I wasn't in on  
7 this conversation, but Colonel Fletcher Prouty has said very  
8 specifically that he helped to train these two people and we  
9 trained them and we landed them and tried to get them back out.  
10 They didn't come back out. If he is stating the truth there is  
11 no question we were fully involved in that with Castro.

12 Senator Hart of Colorado. I think you have stated one  
13 of the strong arguments against Barry's position, and that is  
14 that this is probably a whole subject area that is outside our  
15 control. Agents, former agents, friend of agents, are writing  
16 books, they are writing articles, bits and pieces of information  
17 coming out, and I agree with you that it undermines almost all  
18 of what this Committee was assigned to do to neglect to look  
19 into these things. It is outside of our control.

20 Chairman Church. Furthermore, it is well within the scope  
21 of our resolution because we are not confined by our resolution  
22 in any way to look at the intelligence community only with  
23 respect to the domestic activities.

24 Senator Tower. No.

25 Chairman Church. That is another point. The Rockefeller

1 Commission was originally assigned a very restricted mission to  
2 look into the domestic. It decided to expand its mission to  
3 investigate assassination question abroad.

4 Senator Tower. Mr. Chairman, may I suggest that we  
5 explore this matter with Colby, that the first thing we should  
6 do is ask him to come and give an overview of this thing for  
7 us and proceed from that point?

8 Chairman Church. I would like to do that. If we can get  
9 him to come at our Wednesday meeting, next Wednesday, and let  
10 me amplify your suggestion in this respect. I think this is the  
11 commencement of the inquiry this Committee must make into the  
12 whole field of covert activity. This is the most extreme case  
13 of covert activity. But we must look into it all and I would  
14 propose the following inquiry into assassination which Colby  
15 should commence. We should then proceed to a series of hearings  
16 to get the details concerning present covert activity all around  
17 the world, and I must say I have seen some of it through the  
18 Foreign Relations Committee that is now required by law to get  
19 some kind of briefing, synopsis of covert activity, and a lot  
20 of it you just wonder why we are meddling in at such cost to  
21 the representation of the United States in such trivial matters,  
22 and how it could possibly benefit us to institutionalize this  
23 kind of operation all over the world.

24 Anyway that is another question. We have to find out what  
25 we are doing, why we are doing it, and what has been done in the

1 past in the field of covert operations. I think we have to  
2 commence with the assassination question simply because it is  
3 pressing and --

4 Senator Schweiker. I certain support you, Mr. Chairman,  
5 in this respect. I don't think we can duck, even if we wanted  
6 to, for the reasons everybody said. Either it is in the  
7 Rockefeller Report, in all agetn's books, and I think the place  
8 to begin, as Senator Tower says, let's see what we can find  
9 out and then determine what our responsibility is.

10 I just want to comment on the other aspect of the Kennedy  
11 thing. I think we have a little responsibility here to maybe  
12 rund down a few of the obvious contradictions because if we  
13 don't do that I think once again we will be accused of white-  
14 washing. I am not for getting into a whole big problem that is  
15 a secondary thing. I think there are discrepancies maybe we  
16 should spend a little effort running down. I don't advocate at  
17 all a big thing. I feel like the Chairman, it is hard for me to  
18 comprehend this. There are circumstances relating to former  
19 CIA people and I think we have a responsibility to at least  
20 look into to see if it is a dead end alley, and if it is, drop  
21 it or face up to it.

22 Chairman Church. There are two aspects to the question of  
23 assassination. One is the high level aspect relating to  
24 political leaders abroad. The other is assassination as it may  
25 have occurred or may be occurring at a lower level relating to



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agents or employees that are engaged in covert operations. We must know about that.

As far as the Kennedy connection is concerned, my view, for what it is worth, is like Senator Schweiker's, I think we have to look very carefully at the question of whether or not the agencies came clean with the Commission, and if there is reason to believe that a full disclosure was not made, or if there are contradictions that need further explanation, I don't think it is the work of this Committee to undertake to determine whether or not the Commission's work was accurate or well founded, but I do think if we find this evidence we should say on the basis of these unanswered questions we think further inquiry into the matter is called for.

That is about as far as I think we can go.

Senator Tower. Mr. Chairman, I would certainly think that we should not try to reopen the whole matter. I don't think that the Senate intended that we should, although that was never discussed, and had that been debated on the floor it might have resulted in our getting our legislative history that would have proscribed us in that area. I don't know. But the Warren Commission was a prestigious group of people and I think that if we cast aspersions on them without being able to provide anything ourselves, we might be damaging our own credibility a little bit.

Chairman Church. I think we have to be very careful how

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1 we handle it.

2 Senator Tower. I think we should certainly not suggest to  
3 the press we are going to look into that. That is going to  
4 blow up a whole row of snakes.

5 Senator Schweiker. And I don't suggest that, I don't think.

6 Chairman Church. Let's keep any reference to the Kennedy  
7 assassination very carefully to ourselves. The only point I see  
8 is to determine whether or not the CIA or the FBI may have  
9 withheld, or if there are unanswered questions here that should  
10 be answered, in which case we can say that, and that only  
11 because you are right, the Commission was no doubt completely  
12 honest, completely conscientious in the work it did, and there  
13 has never been sufficient evidence brought to light yet upon  
14 which one could conclude that their determination was not  
15 correct.

16 Senator Tower. And you have got various people pursuing  
17 different aspects of it and I think any investigation of that  
18 type is going to come up with some inconsistencies and some  
19 evidence that appears to be valid that conflict with each other.  
20 That happens in criminal trials. But I think we should proceed  
21 very cautiously along that line and not even hint to anybody  
22 that we are going to reopen the Kennedy assassination.

23 Senator Morgan. Let me put my thoughts on the record.

24 I think it is important that we explore this business of  
25 assassinations but I think it is extremely important that we

1 take our time and consider thoughtfully and carefully how much  
2 we will disclose. If I have any feeling for the public senti-  
3 ment of this country at all, I think I am right when I say that  
4 if we should disclose that the Government of the United States  
5 made a concerted effort to assassinate Castro or any other ruler,  
6 we will completely destroy the Central Intelligence Agency of  
7 this country.

8 There is no question in my mind that the public will demand  
9 it be disbanded or cleaned out.

10 Secondly, I think that foreign governments around the world,  
11 even those who are friendly to us, would demand that everyone  
12 that even was suspicious at all of being with the CIA be  
13 disbanded or be removed from their country.

14 It is inconceivable to me we would even think of such a  
15 thing in time of peace, and I can't help but believe that a  
16 public admission would destroy the intelligence system, and we  
17 have got to weigh in our own minds whether it is something we  
18 wish to hear here in the Committee room, take the necessary  
19 corrective action and report that we have taken it, or whether  
20 we are going to disclose the things to the whole world.

21 Chairman Church. That is a question we must face, I  
22 recognize that and I am not putting that question to us now.

23 Senator Tower. I fear the external reaction more than the  
24 internal reaciton. A lot of people in my State would say on the  
25 matter of the attempt on Castro, why didn't they get the son of

1 a bitch.

2 Chairman Church. We have now heard from Texas. That is  
3 the Texas view.

4 (Laughter)

5 Senator Morgan. Let me add, Mr. Chairman, for the staff's  
6 benefit. Shortly after this Committee was established, through  
7 a contact, a man and I cannot recall his name, contacted me  
8 after he had learned that either ABC or one of the networks  
9 or either the New York Times was going to print a story on  
10 assassinations, his name might possibly be mentioned as a maker  
11 of weapons, then became afraid himself, and I reluctantly agreed  
12 to see him. He came to see me. He brought plans, drawings of  
13 the assassination weapons that he prepared. He brought orders  
14 from the Defense Intelligence Agency as to how they were to be  
15 delivered in person, paid for in cash. At first I was dubious  
16 of him and I thought he was just another nut. But the man was  
17 frightened, extremely frightened. He came a second time with  
18 a lawyer as well as the intermediary, and I told him I would hold  
19 this information and at the proper time would turn it over to  
20 the staff.

21 He would by all means want to be subpoenaed, but if you  
22 will see me next week I will turn over all I have got to you.  
23 But it is almost unbelievable the kind of weapons he manufactured  
24 His difference was he not only manufactured them but he had to  
25 teach the people how to use them. And he told me that the types

1 were Special Forces types, gung ho Marines, as he described  
2 them where killing was second nature to them and, of course,  
3 he is afraid now that having shown these individuals how to use  
4 these weapons that they may think very well that he is going to  
5 talk. He is not really interested in protection because he  
6 says there is no protection that anybody can afford him. But  
7 I will turn all this over to you next week.

8 Chairman Church. Senator Hart.

9 Senator Hart of Colorado. I was wondering, at least until  
10 the time of the Rockefeller Report, whether it would be  
11 feasible to pursue any proceedings along this line exclusively  
12 with the group here, that is to say, Committee members and the  
13 staff members here?

14 Chairman Church. Yes, that is my intention.

15 Senator Hart of Colorado. All right.

16 Chairman Church. That is my intention, to hold it as  
17 closely as possible, and, that is the way we will proceed.

18 Senator Tower. There may be some instances when they will  
19 request we have no staff.

20 Senator Schweiker. When Mr. Colby comes will he be under  
21 oath?

22 Chairman Church. Yes. The procedure I would want to  
23 follow, once we begin what I would call the serious investiga-  
24 tions, just at the poin of doing that, that all witnesses who  
25 come to testify before the Committee be sworn just as witnesses

1 for whom depositions are taken must be sworn. The kind of  
2 briefings we have had up to now have really been very prelimi-  
3 nary, very informal, and not too helpful.

4 Senator Morgan. If I could add one other thought that I  
5 meant to add earlier with regard to the disclosure of this.  
6 As we have said earlier, it is one thing for a colonel so and  
7 so to write about Marchetti to write it and others, but it is  
8 another thing for an agency of Government to admit that it is  
9 true. So I think that is something we have to weigh.

10 Chairman Church. I know, we do and, Bob, the way that the  
11 Rockefeller Commission treats it will have a bearing on the way  
12 we may have to treat with it.

13 I don't know what we are going to be up against if the  
14 Commission makes its report in a way that discloses the fact  
15 and then this Committee is asked to provide the details.

16 Senator Morgan. If it does that we won't have much choice.

17 Chairman Church. Well, all right, one other thing that I  
18 would like to mention just for your comment.

19 A lot of refugees who have come into the country may have  
20 been brought in by the CIA, selected out of Vietnam and brought  
21 in. I don't know.

22 Senator Tower. I am certain.

23 Chairman Church. I would assume.

24 Senator Tower. Particularly those engaged in Operation  
25 Phoenix.

Chairman Church. And if they have been brought in, if the Operation Phoenix is what it has been described to me, we may have a bunch of political assassins in this country who have been doing that kind of work in Vietnam now brought in under the cloak, the protective cloak of the CIA on our hands.

It is a difference though between political assassination and conducting military operations in time of war.

I think we have got to, in the course of our investigation of covert activity, find out all that we can about the Phoenix operation, and I think we have to find out how many people connected with it who are Vietnamese, who may have a very different view of what a free government is all about, are now lodged with us in this country. That must come within the scope of our general inquiry into covert activity.

The other thing I would like to say is that I am very much disturbed over the possibility that the Adams Apple article, Sam Adams article, which some of you may have read. Those of you who haven't should read it.

Senator Huddleston. Where is it?

Chairman Church. Harper's Magazine. It may be true. If it is true, if it is true it means that the CIA participated in a cover up, counterfeiting intelligence estimates of enemy strength in the field in order not to conflict with the official policy, which is in my view the ultimate corruption of the intelligence process. If that is the case, we need to know about it.

1 Senator Hart of Colorado. I raised that at my breakfast  
2 table, the Adams Article, and officials sitting with me dismissed  
3 it as Adams always being kind of the mouthy kind.

4 Mr. Schwarz. We examined him for four days. He is more  
5 complicated than his article suggests. The numbers question is  
6 awfully hard to make concrete. We have got to find if there is  
7 any more direct evidence of manipulation than just playing with  
8 statistics, which is really largely his article.

9 Senator Morgan. Along the same line, I think I have  
10 mentioned this before, but I feel we need to develop some staff  
11 system whereby each staff member will be continually brought  
12 up to date or furnished articles, materials that may be sensitive  
13 to some extent but yet could be permitted, that we could  
14 keep in our safes and read. You know it is a little difficult  
15 to come in here and sit down and digest everything, but also I  
16 am getting embarrassed to have to go buy Penthouse and Playboy.  
17 I believe there are more articles in those two.

18 Senator Tower. You have got a good excuse now.

19 Senator Morgan. That is what I have been saying. Really  
20 I think maybe if we could have those articles --

21 Chairman Church. Let's try and handle this right now.

22 First of all, press articles dealing with the Committee  
23 or dealing with revelations or charges, relating to the work of  
24 the agencies we are investigating should be coming to members.  
25 The staff is supposed to be collecting those everyday and



1 circulating them to the offices of each member.

2 Is that happening?

3 Mr. Miller. That is happening.

4 Chairman Church. I haven't seen any in my office.

5 Senator Tower. I have gotten some.

6 Chairman Church. Once in awhile I have seen some.

7 Mr. Miller. I will check it.

8 Senator Tower. Maybe the staff is short <sup>(5/15/68)</sup> stocking you.

9 You have too much to read.

10 Chairman Church. Maybe so.

11 We should include in that any significant magazine article  
12 that in the judgment of the staff warrants the attention of  
13 the Committee members.

14 Senator Huddleston. You might make sure designating on the  
15 cover that it go directly to the Senator, because I think  
16 probably what is happening, some of our staff people are  
17 getting that, they are delaying it a little bit. We ought to  
18 indicate on the envelope, however it is delivered, it goes  
19 directly to the Senator, not through the normal process.

20 Senator Morgan. If you let our staff member hand deliver  
21 it to us.

22 By the way, I get a little feeling from my staff member  
23 that they are being left out. I don't know whether this is true  
24 or not. I had understood the entire staff was to work as a  
25 unit. That is the reason I throw that out. I got that from a

1 couple of staff members I was talking to.

2 Anyway, one other thing, Frank. This may be an imposition  
3 to the staff but I assume somebody on the staff is going to  
4 read all of these articles, these magazine articles. In reading  
5 them, if they would prepare say a two-page outline summary of  
6 what is in them it would be helpful. I read all night and I  
7 still don't keep up.

8 Mr. Miller. On the question of articles and so on, we  
9 will add that. I am quite sure the newspaper things have been  
10 going everyday but we now have a press man, Spencer Davis, who  
11 has been assigned the task of reading everything and putting  
12 together a digest of everything and flagging that as of critical  
13 importance.

14 Senator Tower. Don't give us too much. I think just the  
15 reall good stuff, what is pertinent, because we could get  
16 inundated with this.

17 Mr. Miller. On the question of sensitive material, I  
18 would think the most sensible way within security would be to  
19 have Walter Ricks, in your case carry the material to you and  
20 he be responsible for it. Our problem is we have to know for  
21 our own protection, among other things, exactly where these  
22 pieces of paper are at every moment. We just can't take a  
23 chance. But why don't I be sure that everything gets to you  
24 through Walter and he be responsible for it and accountable for  
25 it?

1 Senator Tower. It is a good idea to have two members of  
2 your staff cleared, get high clearances on them. I have got  
3 clearances on three of mine. Nobody else in my office handles  
4 classified documents except those people.

5 Senator Morgan. I had two thoughts on the sensitive  
6 material. I noticed in the first place sensitive appears only  
7 on the first page. It should appear on every page.

8 Mr. Schwarz. It was only the first page because of the  
9 assassination issue being mentioned on the first page and the  
10 other stuff we thought in fact was not sensitive.

11 Senator Morgan. Can I assume unless the word sensitive  
12 appears on any given page that that is not sensitive?

13 Mr. Miller. Yes sir.

14 Senator Schweiker. What does the word "sensitive" mean?

15 Senator Tower. That is a low order of classification.

16 Mr. Miller. It means it is classified.

17 Senator Schweiker. It means classified?

18 Senator Tower. It is the lowest order of classification.

19 Mr. Miller. We have two for our own Committee purposes.  
20 We have two classifications. The first reason is practically  
21 everything we handle is classified. The two orders of classi-  
22 fication are those which most or all of staff can see because  
23 they have top secret clearance. The second order are those  
24 highly compartmented materials which have to be stored in a  
25 separate secure area and only those who have a need to know will

1 have access to it, in addition to the Senators.

2 Senator Schweiker. What do you call that?

3 Mr. Miller. We call it compartmented material.

4 Sensitive compartmented material.

5 Senator Schweiker. The two are what?

6 Mr. Miller. Sensitive and Compartmented.

7 Senator Hart of Colorado. One point on your first obser-  
8 vation. The Cuban counterparts of the Vietnamese coming into  
9 this country, some of them became the Watergate burglars.  
10 I think that is essentially what you are saying?

11 Chairman Church. Yes, I can see potential problems.

12 Senator Tower. We will get Ted Shackney in here to talk  
13 to us about that. He is the Station Chief in Saigon.

14 Chairman Church. That takes care of it. Thank you very  
15 much.

16 (Whereupon, at 12:35 p.m., the Committee was recessed,  
17 subject to the call of the Chair.)  
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